

**Bill Number: SB 51**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION TO SENATE BILL 51**  
**CRIMINAL PROCEDURE – REASONABLE SUSPICION AND PROBABLE CAUSE –**  
**CANNABIS**

I write in opposition to Senate Bill 51 that would codify what is and what is not probable cause to investigate a crime. Maryland has for decades allowed the Courts to set the standards of what constitutes probable cause to search a vehicle or person. To try and now take well recognized case law and turn it into a statute is unworkable and will hinder the proper investigation of crimes. The public will become less safe.

Furthermore, the Bill in one sentence throws out searches that are conducted with consent. Consent is another area of the law covered by case law in well-reasoned opinions with standards that have been well established.

The courts have ruled that it is the individual facts of a case coupled with well established case law that should govern the rules on search and seizure not a statute.

While the rules concerning searches may be changing when cannabis becomes legal that should be for the courts to decide not the Legislature. The Courts should decide the constitutionality of searches. Please remember alcohol is legal yet the police are entrusted to assess what may lead to probable cause in an alcohol related case. Just like alcohol the Courts should set the constitutional rules when cannabis becomes legal.

I urge an unfavorable vote.